

GJm

FILED
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA 03

CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA 03

MJ 08 13

UNITED STATES OF AMERICA,)
 Plaintiff,) BY: Magistrate Case No. DEPUTY
 v.)
 Jesus PEREZ, Jr.)
 Defendant.) COMPLAINT FOR VIOLATION OF
)
) Title 8, U.S.C., Section
) 1324(a)(2)(B)(iii)-
) Bringing in Illegal Alien(s)
) Without Presentation
)

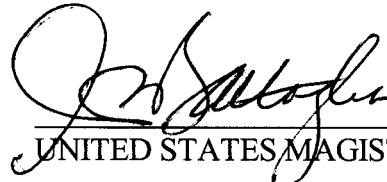
The undersigned complainant being duly sworn states:

On or about, within the Southern District of California, defendant, **Jesus PEREZ, Jr.** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Fidela Blanca BAUTISTA-Perez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 Sara Esparagoza, United States Customs
 and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF MARCH, 2008.


 UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Fidela Blanca BAUTISTA-Perez** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 12 2008, at approximately 2244 hours, **Jesus PEREZ, Jr. (Defendant)**, applied for admission to the United States through vehicle primary lane four of the Otay Mesa, California Port of Entry. Defendant was the driver of a 1994 Ford Explorer bearing California license plates. Defendant presented his lawfully issued United States Passport to the U.S. Customs and Border Protection Officer (CBP) and gave two negative declarations. Defendant claimed ownership of the vehicle and presented a counterfeit State of California vehicle registration. Defendant stated his intention of traveling to his home in San Ysidro, California. During an inspection of the vehicle, the primary CBP Officer noticed the gasoline tank tapped solid. The primary CBP Officer subsequently referred the Defendant and the vehicle to secondary for further inspection.

In secondary, one female was discovered concealed inside a non-factory compartment located underneath the rear bench seat of the vehicle. The female was determined to be a citizen of Mexico without legal documents or entitlements to enter the United States. She was held as a Material Witness and is now identified as: **Fidela Blanca BAUTISTA-Perez (Material Witness)**.

During a videotaped interview, Defendant was advised of his Miranda rights and elected to answer questions without an attorney present. Defendant admitted knowledge of the undocumented person concealed in a compartment of the vehicle. Defendant stated he was to take the vehicle and the Material Witness to a location in Chula Vista, California. Defendant admitted he was to be paid \$1000.00 USD to smuggle the Material Witness into the United States.

A videotaped interview was conducted with the Material Witness. Material Witness admitted she is a citizen of Mexico by virtue of birth in Oaxaca, Oaxaca, Mexico. Material Witness admitted she does not have legal documents or entitlements to enter the United States. Material Witness stated that her friend was to pay a fee of \$4,000 USD for her to be smuggled to the United States. Material Witness admitted her intention was to travel to Hawthorne, California to resume her residency of eight years and to seek employment.